

Order

Michigan Supreme Court
Lansing, Michigan

May 27, 2015

150641

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

PATRICIA MILISSA KREINER,
Defendant-Appellee.

SC: 150641
COA: 309334
Bay CC: 11-010364-FC

Robert P. Young, Jr.,
Chief Justice

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

On order of the Court, the application for leave to appeal the October 23, 2014 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for further consideration. Defendant was charged with first-degree criminal sexual conduct, MCL 750.520b(1)(a) (sexual penetration of a victim under 13 years of age). Pursuant to the terms of a proposed plea agreement, she would have pleaded guilty as charged in exchange for a sentence agreement for a ten-year minimum sentence. Defendant rejected the plea offer, but following a post-conviction *Ginther* hearing, see *People v Ginther*, 390 Mich 436 (1973), the trial court ruled that defendant's decision to reject the offer was the result of ineffective assistance on the part of her trial counsel and ordered the prosecutor to re-offer the plea. However, MCL 750.520b(2)(b) provides that the statutorily authorized punishment for the offense to which defendant is to plead guilty under the proposed plea agreement is "imprisonment for life or any term of years, but not less than 25 years." Therefore, the plea agreement calls for a sentence that the trial court is without authority to impose. Given this, on remand, we DIRECT the Court of Appeals to address the appropriate remedy, if any, for defendant under the circumstances of this case. See *Lafler v Cooper*, __ US __; 132 S Ct 1376; 182 L Ed 2d 398 (2012).



a0520

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 27, 2015


Clerk